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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 SERGIO CERVANTES RODRIGUES,

10 Petitioner,

11 vs.

12 DWIGHT W. NEVEN, et al.,

13 Respondents.  
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Case No. 2:12-CV-00604-MMD-(VCF)

**ORDER**

15 Petitioner has submitted an application to proceed in forma pauperis (#5). The application is  
16 moot because petitioner has paid the filing fee (#6). However, the information provided shows that  
17 petitioner is unable to afford counsel. Petitioner also has submitted a motion for appointment of  
18 counsel (#2). The issues presented warrant the appointment of counsel. See 18 U.S.C.  
19 § 3006A(a)(2)(B).

20 Also before the court is petitioner's motion for leave to amend the petition (#8). This  
21 motion is moot because the court is appointing counsel, who will determine whether an amended  
22 petition is necessary.

23 IT IS THEREFORE ORDERED that the clerk of the court file the petition.

24 IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel (#2) is  
25 **GRANTED**. The Federal Public Defender is provisionally appointed to represent petitioner.

26 IT IS FURTHER ORDERED that the Federal Public Defender shall have thirty (30) days  
27 from the date that this order is entered to undertake direct representation of petitioner or to indicate  
28 to the court his inability to represent petitioner in these proceedings. If the Federal Public Defender

1 does undertake representation of petitioner, he shall then have sixty (60) days to file an amended  
2 petition for a writ of habeas corpus. If the Federal Public Defender is unable to represent petitioner,  
3 then the court shall appoint alternate counsel.

4 IT IS FURTHER ORDERED that the clerk shall add Catherine Cortez Masto, Attorney  
5 General for the State of Nevada, as counsel for respondents.

6 IT IS FURTHER ORDERED that the clerk shall electronically serve both the Attorney  
7 General of the State of Nevada and the Federal Public Defender a copy of the petition and a copy of  
8 this order.

9 IT IS FURTHER ORDERED that respondents' counsel shall enter a notice of appearance  
10 herein within twenty (20) days of entry of this order, but no further response shall be required from  
11 respondents until further order of the court.

12 IT IS FURTHER ORDERED that any exhibits filed by the parties shall be filed with a  
13 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments  
14 that are filed further shall be identified by the number or numbers (or letter or letters) of the exhibits  
15 in the attachment. The hard copy of any additional state court record exhibits shall be  
16 forwarded—for this case—to the staff attorneys in Las Vegas.

17 IT IS FURTHER ORDERED that the application to proceed in forma pauperis (#5) is  
18 **DENIED** as moot.

19 IT IS FURTHER ORDERED that the motion for leave to amend the petition (#8) is  
20 **DENIED** as moot.

21 DATED: June 13, 2012



MIRANDA M. DU  
United States District Judge